

AMENDMENT AND REQUEST FOR RECONSIDERATION...
U.S. APPLN. NO. 10/809,870

REMARKS

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicant wishes to thank Examiner Wallis for the telephone interview so courteously granted to Applicant's undersigned attorney on June 19, 2008.

Dependent claim 11 (11/1) was the primary focus of the interview. The attorney pointed out that neither Masaki nor Shirakawa teaches, or even suggests, that "the inverter unit is held and fixed to the battery by the electric connection body..." as recited in claim 11. In this regard, the attorney noted that the battery 57 in Fig. 4 of Shirakawa is only schematically illustrated and certainly is not in physical contact with the inverter 1.

Examiner Wallis felt that the words "held and fixed" do not distinguish the subject matter of claim 11 from the teaching of Fig. 4 of Shirakawa; however, the Examiner agreed that Shirakawa does not show an actual battery body (57) in physical contact with the inverter 1. The Examiner also agreed that the above (following) amended claim 11 language, inserted at the end of independent parent claim 1, differentiates the claimed invention from the Fig. 4 arrangement of Shirakawa and from the Masaki/Shirakawa combination: "wherein the inverter unit is attached and fixed, in physical contact with the side of the battery, by the metal plate".

* * *

Claim Rejections - 35 U.S.C. § 112

Applicant cancels, without prejudice, claim 18, thereby rendering **moot** the rejection of claim 18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

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As a result of the above cancellation of claim 11 and the amendment of claim 1, there remains for consideration only the rejection of the amended independent claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Masaki in view of Shirakawa, and the rejection of claim 17 over Masaki in view of Shirakawa and further in view of Tamba and Imai. To avoid further burdening the record, Applicant incorporates herein by reference the still valid arguments presented in Applicant's Response filed on May 19, 2008, and concentrates on the issue discussed above in the Statement of Substance of Interview.

As noted above, and as discussed during the telephone interview, the substance of dependent claim 11 has been added to claim 1. The claim 1 amendment finds direct support in Applicant's specification at least at page 21, the first seven lines.

On page 4 of the final Office Action, Examiner Wallis admitted that, "Masaki does not teach the use of a metal plate in the connection of the battery to the inverter".

The Examiner then asserted that Shirakawa "teaches an electric connection body (items 21 and 22) for electrically connecting the battery (item 57) and the inverter unit is a metal plate (planar conducting member formed with 21-23); and wherein the metal plate directly connects the battery (57) and the inverter (contained within housing item 1)".

However, as discussed during the telephone interview, the battery 57 is only schematically illustrated in Fig. 4 of Shirakawa, and it is clear that Shirakawa does not teach or suggest Applicant's claim 1 limitation, "**wherein the inverter unit is attached and fixed, in physical contact with a side of the battery, by the metal plate**", the metal plate being identified by the reference numerals 83 and 84 in Figs. 6 and 8, for example.

Thus, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 11 insofar as this rejection may be applied to the amended claim 1.

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As for the rejection of claim 17, this claim is now dependent on the amended parent claim 1 and should be allowable for the same reason that claim 1 is allowable. That is, even assuming, *arguendo*, that "Tomba teaches the use of a liquid cooling device to cool circuitry such as an inverter" as asserted by the Examiner, the combination of Masaki, Shirakawa and Tomba still would not teach, or even suggest, **all of the limitations** of claim 17 (17/1).

Thus, Applicant also respectfully requests the Examiner to reconsider and withdraw the rejection of claim 17 under 35 U.S.C. § 103(a).

Applicant has canceled, without prejudice, all the withdrawn claims and other claims which would now appear to be redundant in view of the above amendment of claim 1.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 112, first paragraph, and 103(a), and to find the application to be in condition for allowance with claims 1 and 17.

The above claim 1 amendment was not earlier made because it was not deemed necessary until the telephone interview of June 19, 2008. The Amendment does not raise any new issue which would require further consideration and/or search. Furthermore, an examiner may allow an application after final action if an amendment places the application in condition for allowance.

REQUEST FOR INTERVIEW

However, if for any reason Examiner Wallis feels that the application is not now in condition for allowance, he is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Filed concurrently herewith is a Petition (with fee) for an Extension of Time of one month. Applicant hereby petitions for any extension of time which may be required to maintain

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the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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